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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.
 PASSENGER SEXUAL ASSAULT
 LITIGATION

Case No. 3:23-md-03084-CRB (LJC)

This Document Relates to:
 ALL ACTIONS

**REPLY IN SUPPORT OF MOTION FOR
 ENTRY OF AN ORDER TO SHOW CAUSE
 WHY 6 PLAINTIFFS WHO HAVE
 SUBMITTED NON-BONA FIDE RECEIPTS
 SHOULD NOT BE DISMISSED WITH
 PREJUDICE**

Judge: Hon. Charles R. Breyer
 Date: October 3, 2025
 Time: 10:00 a.m.
 Courtroom: 6 – 17th Floor

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. BACKGROUND	2
A. MDL ID 1384	2
B. MDL ID 2774	3
III. ARGUMENT	5
A. Contrary to Kherkher Garcia’s Representation, The “Allegations Relating to MDL ID 1384” Are Not “Based on a Prior, Unrelated Litigation.”	5
B. Plaintiff’s Request for An Additional 45-day Delay Should Be Denied.	7
IV. CONCLUSION	7

TABLE OF AUTHORITIES

Page

Cases

■ v. *Uber Techs., Inc., et al.*,
No. 3:24-cv-03441-CRB (N.D. Cal. Feb. 5, 2025).....3

Rules

Fed. R. Civ. P. 60(b)4

I. INTRODUCTION

In their August 27, 2025 response (ECF 3768) to Uber’s first motion relating to fraudulent receipts (ECF 3604), Plaintiffs’ leadership stated that “fraud has no place in this MDL,” and that “[p]articularized allegations of fraud must be taken seriously, investigated, and resolved.” ECF 3768 at 2. One day later, on August 28, 2025, Uber filed the current motion relating to six additional fraudulent receipts, addressing fraudulent receipts submitted by Plaintiffs currently represented by three firms (Kherkher Garcia, Levin Simes, and Pulaski). Of those three Plaintiff firms, only one (Kherkher Garcia) submitted any opposition to Uber’s motion. Tellingly, Levin Simes and Pulaski¹ did not respond.

The fact that two out of three Plaintiff’s law firms did not even respond to Uber’s Motion reinforces that Plaintiffs are not taking fraud “seriously,” as they claimed the day before Uber filed the Motion. It also underscores that there are serious issues in this MDL relating to (i) fraud and (ii) individuals who are nominally “Plaintiffs” but are neither responsive nor participating in the litigation. *See generally* ECF 3855, Reply in Support of First Fraudulent Receipts Motion, at 1-5.

The one response that was filed—by the Kherkher Garcia firm—is based on a material misrepresentation. Specifically, Kherkher Garcia represents to the Court that the “allegations relating to MDL ID 1384 *are based on a prior, unrelated litigation*” from those asserted by MDL ID 2774. ECF 3845 at 2 (emphasis added). That statement is false. MDL ID 1384 is the same person as MDL 2774. And, as shown below, MDL ID 2774’s allegations are based on the same incident as MDL ID 1384’s allegations.

Uber respectfully requests that the Court order Kherkher Garcia to explain its statement to the Court that the “allegations relating to MDL ID 1384 are based on a prior, unrelated litigation.” ECF 3845 at 2. That request is reflected in the attached, revised proposed order.

Kherkher Garcia’s other arguments are similar to those the Court rejected when it granted Uber’s First Receipts Motion (ECF 3876) (“the 21 Plaintiffs listed in Exhibit A are hereby ORDERED TO SHOW

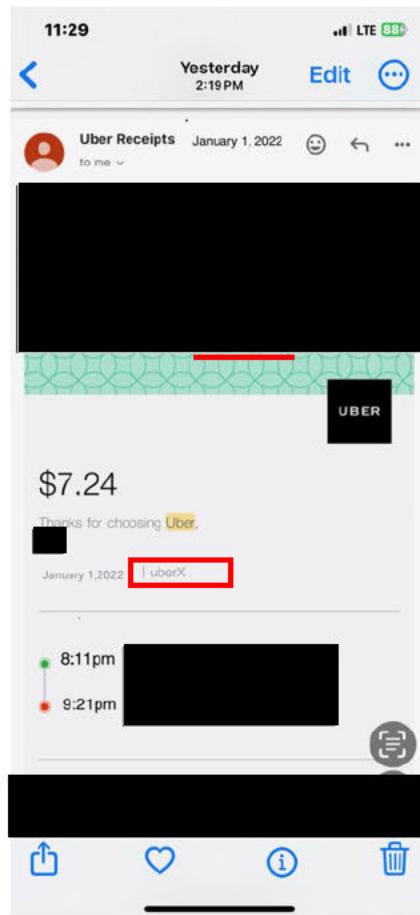
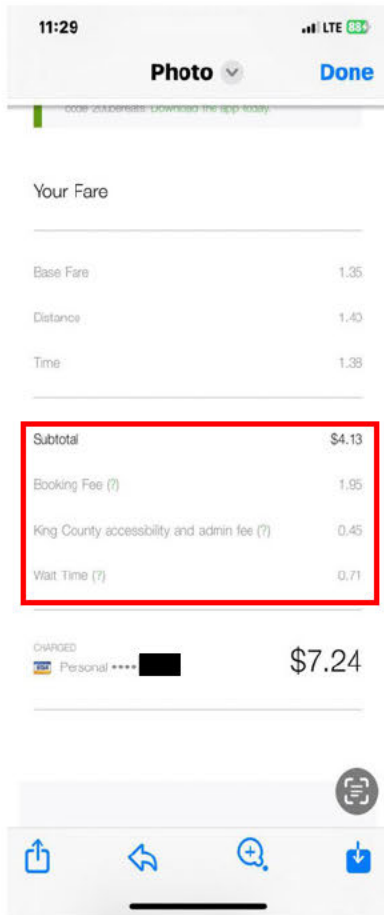
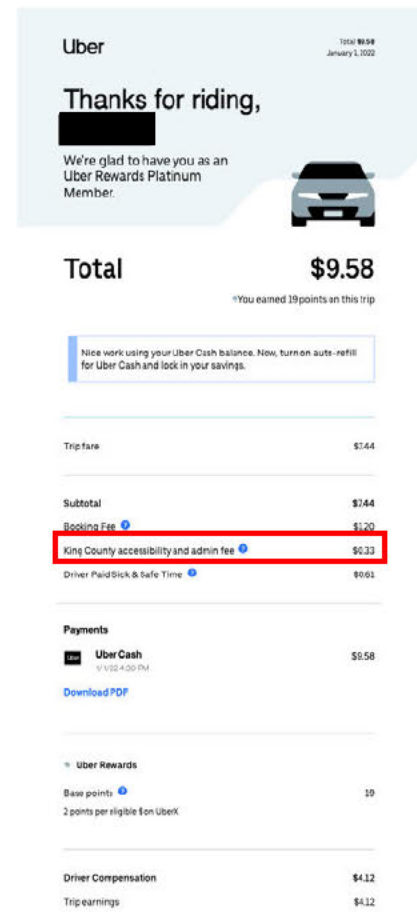
¹ Instead of a response, Pulaski submitted a motion to withdraw as counsel. (ECF 3891). However, as Uber has explained (ECF 3900), the Court has already denied a similar motion to withdraw from representing Plaintiffs with fraudulent receipts, submitted by the Chaffin Luhana firm. (ECF 3759).

1 CAUSE why their claims should not be dismissed with prejudice”), and the arguments should similarly
2 be rejected here.

3 **II. BACKGROUND**

4 **A. MDL ID 1384**

5 As explained in Uber’s Second Receipts Motion (ECF 3784), Plaintiff with MDL ID 1384, who
6 provided the name [REDACTED] in her Plaintiff Fact Sheet, filed a complaint in this MDL on June 7,
7 2024, through her original counsel, Peiffer Wolf Carr Kane Conway & Wise, LLP (“Peiffer Wolf”).
8 Peiffer Wolf submitted a purported ride receipt for its client on June 13, 2024, with several indicators of
9 fraudulent manipulation. For example, the trip map image shows the year 2018 in its Google Maps data,
10 but the trip was completed in 2022. Also, the date of the ride (“January 1, 2022”) is misaligned with the
11 text residing next to it (“ | uberX”), and the fees listed under “Subtotal” are missing “Driver Paid Sick &
12 Safe Time”, which would be expected during the time period of the ride. There are also stray black dots
13 scattered on the graphic near the image of the trip map. These are all indicators that the receipts were
14 altered. *See* Ex. C to Second Receipts Motion, FTI Report, ECF 3784-18.

MDL ID 1384 (Cotton Decl., Ex. 1)²**Real Receipt (2022) (Ex. 2)**

On July 3, 2024, Uber served Peiffer Wolf with a Defendant Fact Sheet stating that it was unable to identify an account for MDL ID 1384 and could not substantiate the alleged ride. Cotton Decl., ¶ 4; Ex. 3. Over 6 months later, on January 8, 2025, Peiffer Wolf moved to withdraw from representation of MDL ID 1384 on the grounds that Plaintiff “failed to establish useful communication with Peiffer Wolf” and “failed to provide Peiffer Wolf with sufficient or adequate information to confirm [Plaintiff’s] claim.” *Peiffer Wolf v. Uber Techs., Inc., et al.*, No. 3:24-cv-03441-CRB, ECF 7 at 2. On February 3, 2025, the Court granted that motion. *Peiffer Wolf v. Uber Techs., Inc., et al.*, No. 3:24-cv-03441-CRB, ECF 8 at 1, 3.

B. MDL ID 2774

Before Peiffer Wolf had even moved to withdraw from the MDL ID 1384 case and while it was still pending, Plaintiff, who provided the name [REDACTED] in her second Plaintiff Fact Sheet, retained

² References to exhibits in the Cotton Declaration will be marked by exhibit number.

Kherkher Garcia LLP and filed a duplicate complaint on December 31, 2024—now under MDL ID 2774. As shown below via MDL Centrality, both MDL ID 1384 and MDL ID 2774 provided the same date of birth and either a name of [REDACTED] or [REDACTED]

MDL ID 1384 (Ex. 4)

Plaintiff Information	
Plaintiff ID: 1384	Date of Birth: [REDACTED]
Name: [REDACTED]	Law Firm: Peiffer Wolf Carr Kane Conway & Wise
Case Number: 24-CV-03441	PFS Date: 07/02/2024
	Amended PFS Date(s):
	Most Recent PFS Date: 07/02/2024

MDL ID 2774 (Ex. 5)

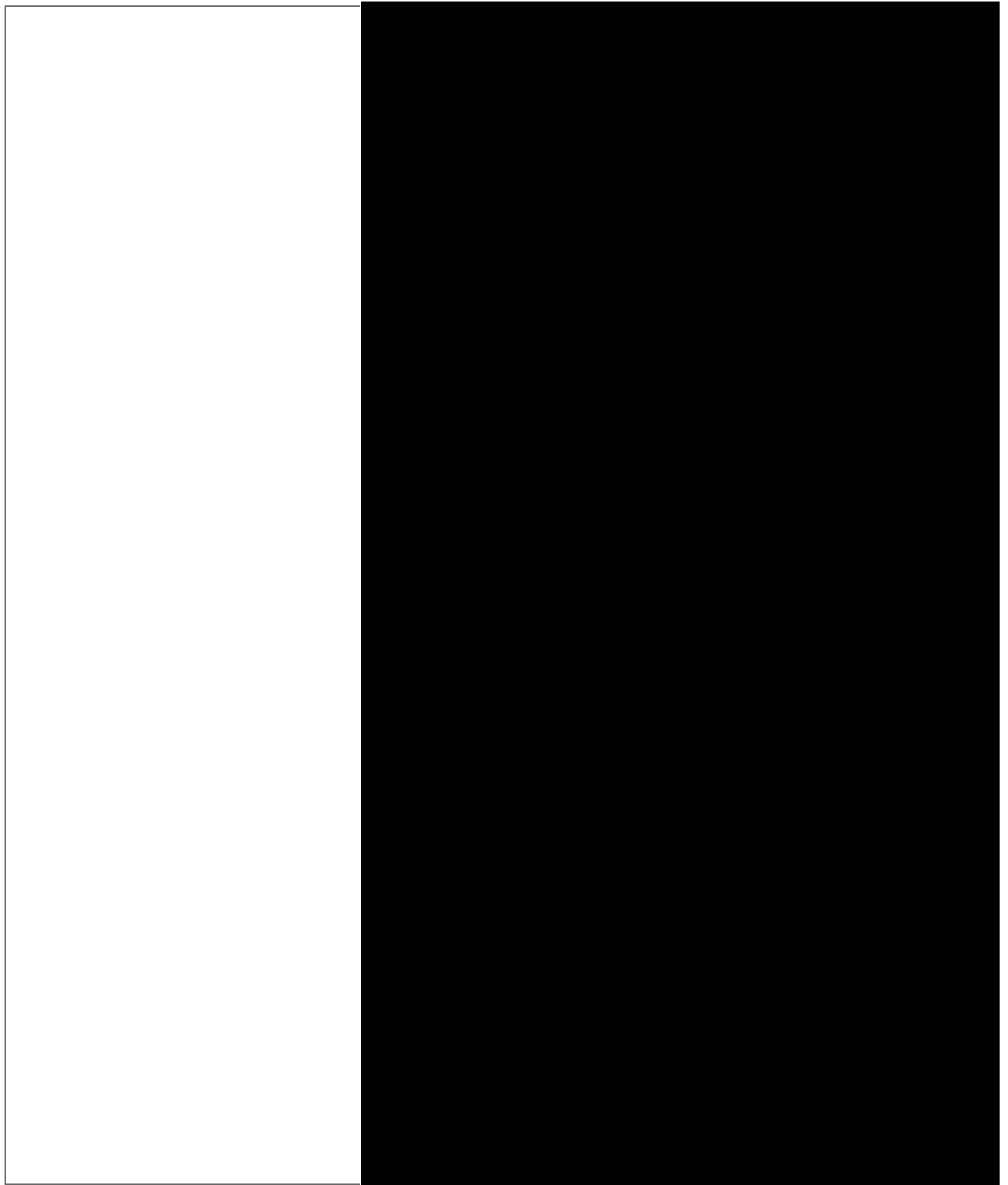
Plaintiff Information	
Plaintiff ID: 2774	Date of Birth: [REDACTED]
Name: [REDACTED]	Law Firm: Kherkher Garcia
Case Number: 24-CV-09515	PFS Date: 01/30/2025
	Amended PFS Date(s):
	Most Recent PFS Date: 01/30/2025

Despite having previously submitted a purported ride receipt under MDL ID 1384, MDL ID 2774 did not upload a ride receipt but rather a “Uber Ride Information Form” which stated, in part, that [REDACTED] Ex. 6. In her Plaintiff Fact Sheet, MDL ID 2774 also provided the same ride date—[REDACTED]—as the ride receipt produced by MDL ID 1384. On February 5, 2025, Uber served Kherkher Garcia with a Defendant Fact Sheet stating that it could not substantiate the alleged ride for MDL ID 2774. Cotton Decl., ¶ 8; Ex. 7. Uber previously identified MDL ID 2774 in its First Receipts Motion as one of the 90 Plaintiffs that either provided no reason for not submitting a receipt or having provided boilerplate reasons.³ See ECF 3604, 3876.

³ MDL ID 1384 [REDACTED] was previously dismissed without prejudice on June 2, 2025 due to the failure by the Plaintiff to file a notice indicating whether they intended to pursue their action following the withdrawal of their counsel, but given the seriousness of the conduct at issue, and the fact that the claim has been refiled, the dismissal should be converted to with-prejudice pursuant to Fed. R. Civ. P. 60(b). In addition, the duplicate claim filed as MDL ID 2774 [REDACTED] should also be dismissed with prejudice.

Kherkher Garcia represents that the “allegations relating to MDL ID 1384 are based on a prior, unrelated litigation” and that “[n]o such receipt or document has been submitted in MDL ID 2774.” ECF 3845 at 2. This is false, as MDL ID 1384 is the same Plaintiff as MDL 2774. Moreover, the allegations made by MDL ID 1384 and MDL 2774 in their Plaintiff Fact Sheets are the same or similar in many respects. For example:

5



MDL ID 1384, [REDACTED] submitted a fraudulent ride receipt in this litigation, discussed at pages 2-3, *supra*. MDL ID 2774, [REDACTED] made allegations about the same incident as MDL ID 1384, but claimed her receipt was missing, *see* ECF 3604-37 at 13. Thus, Kherkher Garcia's claim that

1 “[n]o such receipt or document has been submitted in MDL ID 2774,” ECF 3845 at 2, only underscores
 2 the problem. Kherkher Garcia failed to conduct a reasonable investigation prior to re-filing the same
 3 Plaintiff’s claim.

4 **B. Plaintiff’s Request for an Additional 45-Day Delay Should Be Denied.**

5 MDL ID 2774, formerly known as MDL ID 1384, has shown repeatedly that she can communicate
 6 with counsel when it comes time to assert claims against Uber. She has now done so in at least two
 7 complaints. But counsel for Plaintiff attempts to delay resolution of Uber’s Second Receipts Motion by
 8 45 days because counsel has “been unsuccessful” in reaching Plaintiff “despite repeated efforts to do so.”
 9 ECF 3845 at 2. Counsel’s inability to contact their client only raises more concern. Uber served a
 10 Defendant Fact Sheet indicating it could not locate MDL ID 1384’s receipt on July 3, 2024, and did the
 11 same for MDL ID 2774 on February 5, 2025. Moreover, counsel do not explain how they communicated
 12 with their client well enough to file a second complaint seeking, at minimum, thousands of dollars from
 13 Uber, yet now cannot reach her at all. Counsel have provided no assurances that Plaintiff, whom they
 14 apparently can no longer contact, was not acquired through a click-bait ad or a lead generator, *see*
 15 *generally* ECF 3855 at 1-5, or that they had good (or any) communication with their client previously.
 16 Given the fraud identified by Uber in the materials submitted by MDL IDs 1384 and 2774, the fact that
 17 counsel has been on notice of these issues for at least six months (if not over a year), and the potential
 18 implications of these issues for Plaintiffs across this MDL, Uber respectfully requests that the Court deny
 19 any further requests for delay. If counsel has not resolved this issue with their client in the last six months,
 20 it appears they have either not done so with the due diligence called for by this action or simply cannot do
 21 so by any means. An additional 45 days would be futile, and inconsistent with the gravity of Plaintiff’s
 22 misconduct.

23 **IV. CONCLUSION**

24 For the reasons discussed above, and in light of the Court’s order granting Uber’s First Receipts
 25 Motion (ECF 3876), Uber respectfully requests that the Court enter the revised proposed order attached
 26 as Exhibit A to this reply, requiring the identified Plaintiffs to show cause as to why their claims should
 27 not be dismissed with prejudice for providing a non-bona fide receipt, and further requiring Kherkher
 28

1 Garcia to explain the statement in its response brief that “allegations relating to MDL ID 1384 are based
2 on a prior, unrelated litigation.”
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DATED: September 18, 2025

Respectfully submitted,

/s/ Laura Vartain Horn

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CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will automatically send notification of the filing to all counsel of record.

By: /s/ Laura Vartain Horn
Laura Vartain Horn